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**PATENT**

Attorney Docket No.: PO233C6 (A-54528-9/WHD/DAV)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                         |   |                      |
|-------------------------|---|----------------------|
| In re application of:   | ) | Examiner: NELSON     |
|                         | ) |                      |
| BERMAN, et al.          | ) | Group Art Unit: 1648 |
|                         | ) |                      |
| Serial No. 08/459,141   | ) |                      |
|                         | ) |                      |
| Filed: 2 June 1995      | ) |                      |
|                         | ) |                      |
| For: Vaccine Based on   | ) |                      |
| Membrane-Bound Proteins | ) |                      |
| and Process for         | ) |                      |
| <u>Making Them</u>      | ) |                      |

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**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being faxed to Examiner  
Nelson, on 1-7-99

Signed: \_\_\_\_\_

*Judy Dille*

**TERMINAL DISCLAIMER**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Please charge the amount of \$110 to cover the requisite fee and any additional fees, including extension fees, or credit overpayments, to Deposit Account No. 06-1300 (Order No. A-54528-9/WHD/DAV).

Genentech, Inc. represents that it is the assignee of the entire right, title and interest of 1) U.S. Patent Application Serial No. 08/459,141 filed 2 June 1995 and 2) U.S. Patent Application Serial No. 08/357,084 filed 15 December 1994 allowed, but not issued. Written assignment proof of such assignment vested in Genentech, Inc. for each of the said applications (U.S.

- 1 -

Serial No.: 08/459,141  
Filed: 2 June 1995

Serial No. 08/459,141 filed 2 June 1995 which is a continuation of U.S. Serial No. 08/357,084 filed 15 December 1994) is recorded in the United States Patent and Trademark Office at Reel/Frame 4261/380-381.

Genentech, Inc. hereby disclaims that terminal portion of any patent granted on said Serial Number 08/459,141 [1]) that would extend beyond the expiration date of U.S. Serial No. 08/357,084 [2]), and hereby warrants that any patent so granted on said Serial Number 08/459,141 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to said U.S. Serial No. 08/357,084, this disclaimer to run with any patent granted on said Serial No. 08/459,141 and to be binding upon the grantee/assignee, its successors or assigns.

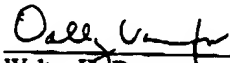
The undersigned authorized representative of Genentech has reviewed the evidentiary documents referred to in the present Terminal Disclaimer in the chain of title of the present application and patent identified above, and it is certified that, to the best of assignee's knowledge and belief, title is in the assignee Genentech identified above.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the above-listed in the event that it later: U.S. Serial No. 08/357,084 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Serial No.: 08/459,141  
Filed: 2 June 1995

The undersigned is empowered to act on behalf of and as a  
representative and petitioner of the assignee, Genentech, Inc.

Respectfully submitted,

Reg. No. 39054  
  
Walter H. Dreger  
Reg. No. 24,190

Dated: 4/7/99

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I hereby certify that this correspondence is being faxed to Examiner Nelson, on 1/7/99

Signed: Judy [Signature]

**TERMINAL DISCLAIMER**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

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Genentech, Inc. represents that it is the assignee of the entire right, title and interest of 1) U.S. Patent Application Serial No. 08/459,141 filed 2 June 1995 and 2) U.S. Patent Application Serial No. 08/470,107 filed 6 June 1995. Written assignment proof of such assignment vested in Genentech, Inc. for each of the said applications (U.S. Serial No. 08/459,141 filed 2

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Serial No.: 08/459,141  
Filed: 2 June 1995

June 1995 and related U.S. Serial No. 08/470,107 filed 6 June 1995, which each are a continuation of Serial No. 08/357,084 filed 15 December 1994) is recorded in the United States Patent and Trademark Office at Reel/Frame 4261/380-381.

Genentech, Inc. hereby disclaims that terminal portion of any patent granted on said Serial Number 08/459,141 [1]) that would extend beyond the expiration date of U.S. Serial No. 08/470,107 [2]), and hereby warrants that any patent so granted on said Serial Number 08/459,141 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to said U.S. Serial No. 08/470,107, this disclaimer to run with any patent granted on said Serial No. 08/459,141 and to be binding upon the grantee/assignee, its successors or assigns.

The undersigned authorized representative of Genentech has reviewed the evidentiary documents referred to in the present Terminal Disclaimer in the chain of title of the present application and patent identified above, and it is certified that, to the best of assignee's knowledge and belief, title is in the assignee Genentech identified above.


In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the above-listed in the event that it later: U.S. Serial No. 08/470,107 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or

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The undersigned is empowered to act on behalf of and as a representative and petitioner of the assignee, Genentech, Inc.

Respectfully submitted,

ngw 32054  
  
Walter H. Dreger  
Reg. No. 24,190

Dated: 1/2/95

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